



إشراقات شافعية



IMADDHAB

1. The Shāfi'ī Madhhab over the course of history underwent a few phases. It first began spreading during the 'Abbāsi Caliphate as the "people's" Madhhab and not as a state Madhhab unlike the Hanafī and Mālikī Madhhabs which had the support of the state during their expansion.
2. The Shāfi'ī Madhhab reached its peak under the Seljūk, Ayyūbī, and Mamlūk empires and lost its stronghold under the Ottomans.
3. Despite the frequent mention of the "Irāqīs" and the "Khurasānīs" in books of Shāfi'ī Fiqh, the authors of the Tabaqāt didn't dedicate any serious attention to the unique features of either group, their methodology, & the factors that lead to their formation.

As a result, these terms were rendered merely to that which highlight a reality that existed during a specific period in the school's history which came to an end with the advent of Fuqahā who combined and fused both methodologies together in their books.

4. The Shāfi'ī Madhhab flourished in 'Irāq and current day Irān, but during the later stages its presence shifted from those lands to Egypt, Levant, and Hijāz. There, it proliferated and took deep roots.
5. Like other schools, the Shāfi'ī Madhhab also went through a phase of "refinement" (Marhalah al-Tanqīh). It is a popularly held position in Shāfi'ī scholarly circles that there were two "refinement" stages. The truth is that it was one phase.

**6.** Given the wide geographical area over which the Shāfiʿī Madhhab has spread and the number of communities that adhere to it makes it the largest Madhhab in terms of following, second to Hanafīs.

**7.** The hierarchy of the Shāfiʿī scholars are as follows ([six ranks]:

- 1) Mujtahid Mustaqill;
- 2) Muntasib;
- 3) Mujtahid Muqayyad (Ashāb al-Wujūh);
- 4) Mujtahidu-l Fatwā;
- 5) Al-Nudhhār (who are able to carry out Tarjīh between the opinions of the Shaykhayn);
- 6) Hafadhatu-l Madhhab.

**8.** The Ashābu-l Wujūh didn't just merely convey the opinions of their Imām, rather they contributed and worked towards the development and expansion of the Madhhab with their own Ijtihadāt and Takhrijāt, at times even contradicting their Imām as a result of their Ijtihād.

**9.** The role and contribution of the Shāfiʿī Fuqahā from the fourth, fifth, and sixth ranks was not one of Ijtihād, but that of assembling, organising, revising, refining, and emending; all of which were crucial.

**10.** One must differentiate between a Qawl of al-Shāfiʿī, the Madhhab of al-Shāfiʿī, and the Madhhab of the Shāfiʿiyyah, as not every Qawl of Imām al-Shafi'i is the position of the Shāfiʿīs nor is

every opinion of the Shāfiʿī Madhhab the direct opinion of the Imām.

**11.** The first attempts at intra-Madhhab Tarjīh was carried out on the opinions of Imam al-Shāfiʿī himself, which then came to be known as “Qadīm” and “Jadīd”.

**12.** What is “al-Qawl al-Qadīm”? – It is that which has been narrated as the opinion of al-Shāfiʿī before moving to Egypt.

What is “al-Qawl al-Jadīd”? – It is that which he himself said whilst in Egypt (which means that what he said in Makkah falls under “Qadīm”).

**13.** The only way to find the Imām’s “Qadīm” opinions are via the very early books of the Shāfiʿī Fuqahā as al-Shāfiʿī’s books from the “Qadīm” period are lost.

**14.** “Al-Umm” is the primary source for accessing the “Jadīd” opinions, however, the Shāfiʿī Fuqaha didn’t devote much to it via commentaries, marginalia, or abridgements. Instead, they directed most of their focus and effort to “Mukhtasar al-Muzanī”. We’ll expound on this another time, InshāAllāh.

**15.** The sheer attention “Mukhtasar al-Muzanī” received from the scholars lead the neglect of “Riwāyāt” from other students of al-Shāfiʿī besides al-Muzanī to the point where those Riwāyāt were almost lost.

Also, given that fact that not all of al-Shāfi'ī's books were in the possession of one particular student or a student's student, this led to the rise of the "Irāqīs" & "Khurasānīs" which led to them concluding varying opinions as representing the Madhhab.

This is also what caused multiple opinions of al-Shāfi'ī to be found on a single matter. [As we'll expand more in the future: all those issues have been dealt with and resolved during the "refinement" period, Walhamdulillāh].

**16.** The criticism of some researchers that the Shāfi'yyah directly opposed the explicit texts of their own Imām in "al-Umm" doesn't have a leg to stand on because al-Shāfi'ī's opinions aren't restricted to this book.

**17.** The Madhhab of al-Shāfi'ī is, in reality, one. The "Jadīd" is really an extension and evolution of the "Qadīm" and the books of the "Jadīd" are the fruits of the reassessment of the "Qadīm" along with additions.

**18.** Layth b. Sa'd's legacy nor his Fiqh had any role to play in al-Shāfi'ī's Ijtihādāt in Egypt.

**19.** The Egyptian environment with its social norms and customs had no effect on the Imām's Ijtihād either.

**20.** The main reason for the changes in his Ijtihād was due to his thorough and exhaustive reassessment of everything in both Usūl and Furū'.

**21.** The opinions of “Jadīd” are the ones upon which the Shāfi’iyyah build and form their school.

**22.** With regards to the issues in which the Shāfi’iyyah chose the “Qadīm” over the “Jadīd” – those issues have matching rulings in the “Jadīd” as well, which in essence means that everything is ultimately based on the “Jadīd”.

**23.** The most apparent feature of the books written in the early periods before the years of “Tahrīr” was that they would mention all the varying opinions of the Imām and the scholars without stating which is the strongest and representative of the Madhhab. They’d either only mention one opinion or mention multiple ones without “Tarjīh”.

**24.** The period of “Tahrīr” began at the hands of the “Shaykhayn”, al-Rāfi’ī and al-Nawawī, but it was kindled by the efforts and contributions of Imām al-Haramyn al-Juwaynī in his masterpiece “Nihāyatu-l Matlab”; by his student Imām al-Ghazālī in his abridgement and refinement of his teacher’s masterpiece; and also by the contributions of Imām Abū Ishāq al-Shayrāzī. All of this resulted in the following five books which were the “relied upon” before the Shaykhayn:

- 1) Mukhtasar al-Muzanī.
- 2) al-Wasīt (Ghazālī)
- 3) al-Wajīz (Ghazālī).
- 4) al-Tanbīh (Shayrāzī).
- 5) al-Muhaddhab (Shayrāzī).

**25.** Imām al-Ghazālī's book "Al-Khulāsah" isn't an abridgement of his book "Al-Wajīz", as opposed to popular belief.

**26.** Due to Imām al-Rāfi'ī's focus on revising the Maddhab and refining it down to the single "relied-upon" opinion, every scholar who came after him dedicated themselves to his works, in addition to the serious need for that type of service and study during that period of the Madhhab.

**27.** Imām al-Rāfi'ī's book "Al-Muharrar" isn't an abridgement of any particular book, as opposed to what most people say.

**28.** Al-Nawawī formed very specific nomenclatures whilst working on the varying opinions of al-Shafi'ī & the "Ashāb al-Wujūh" to accurately present where each opinion stood in terms of strength & weakness. Though he wasn't the first to use those words, some of the usages were unique to him.

**29.** The special attention given to the works of Imām al-Rāfi'ī began early, right after his demise. The focus on his works continued all the way until the emergence of al-Nawawī and then after him until the end of ~ 8 AH.

**30.** Imām al-Nawawī's opinion is given precedence over Imām al-Rāfi'ī's when they differ.

**31.** The reason why al-Nawawī is given preference over al-Rafi'ī is a combination of things: the former's vast endeavours & contributions in the Madhhab's service; his great interest in Tarjīh; him being very widely read; him being in possession of books that weren't accessible to others; and the great multitude of works penned by him & the acceptance they received from both the Shāfi'īs and the Muslim Ummah at large.

**32.** Contributions of Ibn al-Rif'ah and Taqiy al-Dīn al-Subkī were a completion to the efforts of the Shaykhayn to the extent that their "Tarjīhāt" were almost put in par with the Shaykhayn's.

**33.** There were scholars who raised an issue with giving the Shaykhayn absolute precedence over anyone else. The most prominent of them were Jamāl al-Dīn Al-Isnawī. His contention echoed the scholarly circles until the matter was closed off and fully settled during the time of Shaykhu-l Islām Zakariyyā al-Ansārī during 10 AH.

**34.** Shaykhu-l Islām Zakariyyā is the undisputed leader of the Mutakkhirūn. It was he who took the final step of restricting the preference to the Shaykhayn (al-Rāfi'ī and al-Nawawī) above all others, and all who came after him, including his students, followed him in this.



**35.** The **five scholars** who – with their writings and verdicts – are the backbone of the final form of the Madhhab:

Shaykhu-l Islām Zakariyyā al-Ansārī (d. 926 AH),

Al-Shihāb al-Ramlī (d. 957),

Al-Shihāb Ibn Hajar al-Haytamī (d. 974 AH),

Al-Khatīb al-Shirbinī (d. 977 AH), &

Al-Shams al-Ramlī (d. 1004 AH).

**36.** The aforementioned five are the seal of “Al-Nudhhār” (refer to point no. 7).

**37.** The strong similarity and harmony between the major works of these five luminaries is a result of some of them being teachers and mentors to the others and also due to them basing their works on their teacher’s research.

**38.** The thing that which set Shaykh Ibn Hajar al-Haytamī apart from the rest was the rich knowledge he had cast within his Fiqh books & the meticulousness and accuracy of his research. This was one of the reasons why Shāfi’ī scholars from most lands preferred him.

**39.** Shaykh Ibn Hajar al-Haytamī was the most significant of those who defended the principle of giving the Shaykhayn precedence over other Fuqahā.

**40.** Ibn Hajar al-Haytamī and al-Shams al-Ramlī occupied a very large status amongst the later Shāfi'īs as they were the final two from the era of "Al-Nudhhār".

They were the two luminaries at the feet of whom the scholars gathered around the most. Al-Haytamī being the judge of Makkah who had with him both the 'Arab and the 'Ajam, amongst whom he unceasingly continued to add depth his works, whilst al-Ramlī was the undisputed Faqīh of Egypt with three hundred scholars around him revising and discuss his book (Nihāyatu-l Muhtāj) with him word by word.

**41.** Even though Al-Khatīb outlived Al-Haytamī, the latter along with al-Shams al-Ramlī are still considered the last of the five. This is due to Al-Khatīb focusing more on teaching the masses and travelling to different lands and teaching therein.

This is not to take anything away from Al-Khatīb. Any sane Shāfi'ī would know very well the mastery he possessed, of what calibre he was, and the sheer weight of his books and original thoughts in the Shāfi'ī Madhhab. We are merely highlighting the reason why the other two were given more precedence.

**42.** All Shāfi'ī Fuqahā who came after the five were either their direct students or students of their students, without exception. Thus, naturally, they made the works and the methodology laid out by their teachers to be the face of the Madhhab.

**43.** Both Ibn Hajar and al-Ramlī, despite being meticulous and critical scholars, did not carry out the role of revising the Madhhab and going through all the opinions of the ancient scholars and those after them to separate the strong from the weak. That was done by al-Rāfiʿī and al-Nawawī.

**44.** The age of Hawāshī (marginalia) which is commonly painted as the age of intellectual weakness and declination wasn't weak nor was there any declination. It was simply the nature of that era. Works of that genre were the most appropriate for the need of that time. Those claims are usually made out of an ignorance of the historical context in which those books were produced.

**45.** That period – which is also wrongly described as the age of intellectual stagnation of Fiqh – was one where the spirit of Fiqh continued to live and thrive. We can see scholars of that time continuing “Tarjīh” and “Tashīh” despite the Mu’tamad already being agreed upon. We see many scholars of that period taking up opinions that go against the Mu’tamad.

**46.** The Mutakkhīrūn differed when specifying the Mu’tamad out of the opinions of the generation of scholars before them. Some restricted it to that which Ibn Hajar and al-Ramlī went by, whilst others deemed it to be that which the majority said.

The strongest position is that the Mu’tamad – after al-Rāfiʿī and al-Nawawī – it is that which Ibn Hajar and al-Ramlī (the son) agree upon in their respective books “Tuhfatu-l Muhtāj” and “Nihāyatu-l Muhtāj” and when the two differ, one is allowed to follow any one of the two. That, along with the opinions of the authors of the

marginalia (Ashāb al-Hawāshi) like al-‘Abbādi, al-Sharawānī, al-Bujuayrimī, al-Shubrāmīllīsī and al-Kurdī et al, form the Mu’tamad of the Shāfi’ī Madhhab.

**47.** The varying opinions of the Mutakakhirūn is built on what al-Rāfi’ī and al-Nawawī already said. In other words, they based their positions on the conclusions of those two Imāms, so, when the Mutakakhirūn differ, it’s usually over really intricate and branched matters.

**48.** Based on the above, we can see that the term “Mu’tamad” can sometimes vary on certain issues given that some will follow Al-Haytami’s “Tuhfatu-l Muhtāj” whilst others will follow al-Ramli’s “Nihāyatu-l Muhtāj”.

**49.** The contemporary era for the Shāfi’īs is an extension of the previous one, but with less efforts & works dedicated to service of the Madhhab; less books, less Iftā (legal verdicts) based on the Madhhab, less teaching – compared to the previous eras.

**50.** What’s unique about this era is the publication of critical editions of the primary source books of the Shāfi’īs, making it much easier to locate different issues in different works. Also unique to this era is presentation and teaching of Fiqh as Fiqh via modern and contemporary methods of teaching.

**51.** Adherence to the Mu’tamad (official/preponderant position) is Wājib upon the Muftī, the Qādī (judge), and those who ascribe themselves to the school, provided the necessary conditions.

**52.** The Muftī and the Qādī are allowed to rule by other than the Mu'tamad in case of Darūrah (necessity), Hājah (need), or general welfare.

**53.** The Mutakakhirūn disagreed over the issue of going by other than the Mu'tamad for the sake of a greater benefit, although that which is practiced today is that this is permissible.

**54.** There are quite a few issues in which the later day scholars went against the Mu'tamad for reasons that range from the likes of “needs of the current day and age”, “enriching the spirit of Fiqh” etc., which is a proof that even today there is no stagnation within the Madhhab.

**55.** Two places where they enforced Shāfi'ī law in courts in recent times: the Qu'aitiyyah & the Kathiriyyah sultanates in Yemen.

**56.** Some common reasons for Muftīs and Qādīs ruling by other than the Mu'tamad: difficulty, need, general welfare, the official decree of the government or the ruler.

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Perfection is only for Allāh ﷻ

